

# Notice of Allowability

Application No.

09/880,514

Examiner

Michael C. Miggins

Applicant(s)

KRAMER, PAMELA A.

Art Unit

1772

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/23/06.
2. ☒ The allowed claim(s) is/are 58-60 and 76-88.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

The drawings ~~of~~ are approved *hcm* 7/19/06

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 01232006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060719
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Michael C. Miggins*  
Michael C. Miggins  
Primary Examiner  
Art Unit: 1772

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Lupowski on 07/19/2006.

The application has been amended as follows:

#### **In the claims:**

Claim 75 has been canceled.

In claim 58, lines 4-5, the entire text of lines 4-5 have been deleted and the text -  
- applying the coating material to the medical device by cold spray thermal processing wherein powder particles are introduced into a high pressure gas where both the gas and particles enter a supersonic jet which is directed against the medical device, wherein the thickness of the coating containing a metal alloy is varied around the diameter or along the length of the medical device and wherein the medical device is selected from the group consisting of a stent, guide wires, lead tips, catheters and markers - - has been inserted in place thereof.

### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

With regards to instant claim 58, the prior fails to teach or suggest a method of coating a medical device comprising providing a coating material containing a metal alloy and applying the coating material to the medical device by cold spray thermal processing, wherein the thickness of the coating is varied around the diameter or along the length of the medical device and wherein the medical device is selected from the group consisting of a stent, guide wires, lead tips, catheters and markers - - has been inserted in place thereof.

Helmus discloses stents with spray coatings thereon, the coatings have variable thickness and the coatings are polymeric. Helmus does not disclose metal alloy coatings applied by cold spray to a medical device.

Kay discloses metal alloy coatings which are applied to a substrate via cold spray. Kay does not disclose the metal alloy coatings applied to a medical device selected from the group consisting of a stent, guide wires, lead tips, catheters and markers. In fact, Kay does not disclose a medical device at all.

There is no motivation to combine the references since Helmus does not disclose cold spray coating at all and Kay does not disclose coating a medical device. Furthermore, neither reference discloses applying a metal alloy coating to a medical device wherein the metal alloy coating varies in thickness around the diameter or along the length of the medical device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

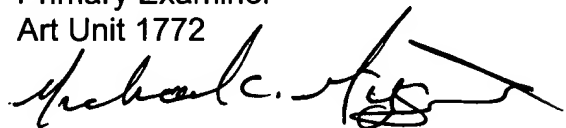
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCM  
July 19, 2006

Michael C. Miggins  
Primary Examiner  
Art Unit 1772

A handwritten signature in black ink, appearing to read "Michael C. Miggins", with a stylized flourish at the end.